

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	2:09-cr-00025-JMS-CMM-1
vs.)	
)	
NORMAN HENRY,)	
Defendant)	

REPORT AND RECOMMENDATION

On July 15, 2024, the Court conducted an initial and final hearing on the Petition for Summons for Offender Under Supervision, filed on December 6, 2023, [Dkt. 58] and a Supplemental Petition for Warrant filed on March 5, 2024, [Dkt. 64]. Mr. Henry (“Defendant”) appeared with FCD counsel, William Dazey. The Government appeared by Matthew Rinka, Assistant United States Attorney. U. S. Probation appeared by Officer Ross Carothers.

The parties advised the Court at the outset of the hearing that a proposed agreement was reached by which the defendant would admit to Violation Number 3 of the Petition dated March 5, 2024, [Dkt. 64]. The parties stipulated to a 14-month term of imprisonment, the highest in the sentencing guideline range for a violation of this nature.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The defendant was advised that on December 7, 2023 and March 6, 2024, that this matter had been referred by the District Judge and that the District Judge has

final authority whether to accept, reject, or modify the magistrate judge's recommendation.

2. After being placed under oath, Defendant advised that he consented to the proposed agreement, had sufficient opportunity to consult with counsel, and entered into the agreement voluntarily. Defendant admitted Violation No. 3.

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

VIOLATION
NUMBER NATURE OF NONCOMPLIANCE

3 "The defendant shall not commit another federal, state or local crime."

On February 21, 2024, officers from the Bloomfield, Indiana Police Department responded to a domestic dispute between Norman Henry and his adult son, Aaron C. Henry. During the incident, the offender allegedly grabbed or shoved his wife, Sharon Henry, who was sitting in her motorized wheelchair. When officers interviewed witnesses and attempted to arrest the offender, he allegedly resisted. He was detained and taken to the Greene County Jail. Norman Henry was formally charged in Greene County, Indiana, with Domestic Battery (Count 1) and Resisting Law Enforcement (Count 2). On February 26, 2024, Mr. Henry pleaded guilty to both counts and was sentenced to 270 days in the Greene County Jail, each count, concurrent. (28D01-2402-CM-000068).

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant's criminal history category is **VI**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **8-14** months imprisonment.

5. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

(a) The Defendant violated the supervised release condition as alleged in Violation 3. Violations 1 and 2 will be dismissed by the United States.

(b) The Magistrate Judge recommends that the defendant be sentenced to the

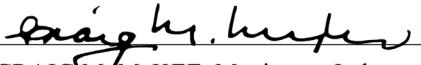
custody of the U.S. Bureau of Prisons for a period of 14 months, and further recommends placement at Terre Haute FCI (per Defendant's request). Consistent with the parties' agreement, three years of supervised release with previously imposed conditions will follow release;

(c) This is an appropriate resolution inasmuch as defendant has served a jail sentence for the offenses reference in Violation #3 and the agreement that supervised release will continue after release. It is clear the defendant needs ongoing supervision to complete his rehabilitation.

Defendant shall remain in custody pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the 14-day objection period to file objections for the consideration of the District Judge.

Dated: July 15, 2024


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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